

2005 Mar-17 AM 09:33  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

FILED

2005 Mar-15 AM 10:49  
U.S. DISTRICT COURT  
N.D. OF ALABAMAIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION

HELEN WILLIAMS, et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	04-AR-0861-J
	}	
BODY SHOP OF AMERICA, INC.,	}	
	}	
Defendant.	}	

MEMORANDUM OPINION AND ORDER


On March 11, 2005, the court heard oral argument (1) on the motion of defendant, Body Shop of America, Inc., for summary judgment directed at the complaint of Helen Williams, one of the two plaintiffs, and (2) on the motion of Williams to substitute for her, as plaintiff, the trustee of her bankruptcy estate. Williams's motion is denied, but without prejudice to the right of Donald L. Dionne, as Trustee, to request his substitution for Williams as plaintiff **within fourteen (14) days**. The Rule 56 motion of Body Shop is DENIED, but without prejudice to its being refiled in the event Dionne does not timely request that he, as Trustee of the bankruptcy estate of Helen Williams, Bankruptcy No. 04-74010-CMS7, in the Northern District of Alabama, be substituted as plaintiff in order to pursue Williams's claim as an asset of her bankruptcy estate. **The Clerk shall forward a copy of this order to Donald L. Dionne, P.O. Box 3051, Tuscaloosa, Alabama 35403.**

Of the court's own motion, **the Clerk is INSTRUCTED to open a**

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**separate file designating Kathy White as the sole plaintiff.** The action designated CV-04-AR-0861-J shall proceed only if Dionne, as Trustee, elects to pursue it. Kathy White, on the other hand, shall proceed separately under a separate case number. She shall, **within fourteen (14) days,** submit to the Clerk the filing fee of \$150, (the filing fee which would have been due at the time CV-04-AR-0861-J was filed. **The new case shall be assigned to the undersigned and CONSOLIDATED with CV-04-AR-0861-J only for the purposes of discovery.**

DONE this 15<sup>th</sup> day of March, 2005.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE